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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,406	12/08/2003	Darrell J. Atwood	169-PA-0103	2479

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Morgan Law Office
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Georgetown, KY 40324

05/15/2008

EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT	PAPER NUMBER
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3637

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/730,406	Applicant(s) ATWOOD, DARRELL J.	
	Examiner TIMOTHY M. AYRES	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,10-13 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,10-13 and 15-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

It should be noted that at least the amendments (underlined sections) to claim 1 are not based upon the last entered claims filed 12/08/03, but upon the claims filed 7/12/06 that were never entered. In order to advance prosecution the claims are examined and this is just pointed out for future guidance.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the model packaging box of claims 4, 18, and 23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4, 6, 10-13, 15-1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "a rear storage compartment" in line 4 and 6. There is insufficient antecedent basis for this limitation in the claim. It is unclear if these are the same, if so then the second one should be referred to as "said" or "the" storage compartment.

5. Claim 4 recites the limitation "support ledges" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is unclear if the support ledges are the same as recited in claim 1.

6. Claims 4 and 18 recites that the packaging in the rear compartment is viewed, this is indefinite since the compartment panel has not be removed, but only is

removable and the same goes for the lid. Since neither the panel nor the lid is removed or opened then the rear compartment is not viewable through the front window.

Claim Rejections - 35 USC § 102

7. Claims 1, 2, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,407,083 to Hartgrave. Hartgrave teaches a display case with a case body (10) made up of a base member (12), a lid member (42, 40), a rear panel (30), and an observation panel (38) with a glass window. A compartment panel (32) slides in grooves (20,26) divides the case into a front compartment (24) and a rear compartment (36). The rear compartment is considered capable of being viewed upon to removal of the compartment panel (32). Grooves (44, 46) extend the entire length of the case and create support ledges in the rear compartment for the lid member (40) and in the front compartment for the lid (42) as seen in figure 2. The display shelf is considered to be the portion of the base in the bottom of the first compartment. The observation panel (38) slides in grooves (24,18).

Claim Rejections - 35 USC § 103

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,407,083 to Hartgrave in view of US Patent 2,255,702 to Gannaway. Hartgrave discloses every element as claimed and discussed above except a sloped display shelf. Gannaway teaches a display shelf (4) that has a rear edge attached to a compartment panel (3). At the time of the invention it would have been obvious for a person of

ordinary skill in the art to use the teaching of Gannaway to add a sloped display shelf to allow for easier viewing and for aesthetic reasons to correspond with scene presented in the display compartment.

9. Claims 4, 11-13, 17-24, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,407,083 to Hartgrave in view of US Patent 2,255,702 to Gannaway as applied to claim 3 above, and further in view of US Patent 764,529 to Ingalls. Hartgrave in view of Gannaway discloses every element as claimed and discussed above except a model packaging box suspended by support ledges. . Ingalls teaches a display case with a case body (A) made up of a base member, a lid member (d), a rear panel (G), and an observation panel (C) with a glass window. The rear compartment has support ledge (c) to elevate goods (Y). Goods (X, Y) are disclosed as thimbles though inherently can be a model-packaging box. Therefor the support ledge (c) is the means for suspending the model-packaging box. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the display case of Hartgrave in view of Gannaway by adding the support ledge to the rear compartment to allow for boxes of spare parts to be stored.

10. Claim 6, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,407,083 to Hartgrave in view of US Patent 2,255,702 to Gannaway and US Patent 764,529 to Ingalls as applied to claim 4, 11-13, 17-24, 27, and 28 above, and further in view of US Patent 6,722,747 to House. Hartgrave in view of

Gannaway and Ingalls discloses every element as claimed and discussed above except the compartment panel is a mirror panel. House teaches using a mirror panel (4) to be able to see the underside of a car in a display housing (1). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the compartment panel of Hartgrave in view of Gannaway and Ingalls by making it a mirrored surface as taught by House to see the other side of the object without having to remove the object (House '747, col. 1, lines 28-30).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,407,083 to Hartgrave in view of US Patent 6,722,747 to House. Hartgrave discloses every element as claimed and discussed above except the compartment panel is a mirror panel. House teaches using a mirror panel (4) to be able to see the underside of a car in a display housing (1). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the compartment panel or side walls of Hartgrave by making it a mirrored surface as taught by House to see the other side of the object without having to remove the object (House '747, col. 1, lines 28-30).

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,407,083 to Hartgrave in view of US Patent 2,255,702 to Gannaway and US Patent 764,529 to Ingalls as applied to claims 4, 11-13, 17-24, 27, and 28 above, and

further in view of US Patent 4,285,558 to Medford. Hartgrave in view of Gannaway and Ingalls discloses every element as claimed and discussed above except the lid member is pivotally attached. Medford discloses a display case with a lid (20) that is pivotally attached at hinge (21). At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the display case of Hartgrave in view of Gannaway and Ingalls and use the teaching of Medford to add a rotatably lid to allow greater access to the compartments.

Response to Arguments

13. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY M. AYRES whose telephone number is (571)272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M. A./
Examiner, Art Unit 3637
5/12/2008

/Janet M. Wilkens/
Primary Examiner, Art Unit 3637